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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DAVID D. BOHN

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08/02/2006

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EXAMINER

LESPERANCE, JEAN E

ART UNIT

PAPER NUMBER

2629

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/471,810	BOHN, DAVID D.	
	Examiner	Art Unit	
	Jean E. Lesperance	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-31 and 57-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 61-69 is/are allowed.
- 6) ☒ Claim(s) 27-31 and 57-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed June 1, 2006 is entered and claims 27-31 and 57-69 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 27-31 and 57-69 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 28, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5,595,445 by Bobry in view of US Patent # 6,424,407 ("Kinrot et al.").

Regarding claim 27, Bobry teaches an electronic scanning device (an electronic scanning apparatus (abstract)), comprising

an image sensor for scanning an image (the rollers 20 in combination with the encoder devices provide an enabling function for the apparatus 10 in which movement of the apparatus across the document is sensed and a signal can be generated to initiate the scanning of an image on the document (column 3, lines 41-45));

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a display that displays a first part of a scanned version of said image (display, Fig.1 (16) where the for part of the document is displayed) ; and

a navigation sensor that detects relative movement between said scanning device and a surface in close proximity to said navigation sensor whereby said relative movement changes said display to displaying a second part of said scanned version of said image (the encoder 56 will also detect backward movement of the apparatus 10. Thus, the encoder 56 output signals can be used for not only controlling scanning during a sweeping operation, but also to compensate for scan head deviations or changes caused by pivoting and other non-linear movement (column 6, lines 27-32) where as the electronic scanner is moving on the document, a second part of the document is displayed based on the movement. Accordingly, the prior art teaches all the claimed limitations with the exception of providing a detector to optically detect relative movement between said scanning device and surface.

However, Kinrot et al. teach a scanner for reading a document by movement of the scanner over the document comprising: an optical reading head which detects patterns on the surface of the document; and an optical detector which determines the motion of the scanner as it is translated across the surface of the document, wherein the optical detector utilizes the method of the invention to determine the translation (column 23, lines 49-58).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the optical detector as taught by Kinrot et al. in

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the handheld optical scanner disclosed by Bobry because this would be applicable to various methods of motion or velocity detection (column 6, lines 52 and 53).

Regarding claim 57, Bobry teaches method of previewing a scanned image (an electronic scanning apparatus (abstract)), said method comprising:

displaying a first part of a scanned image (display, Fig.1 (16) where the for part of the document is displayed);

displaying a second part of said scanned image in response to relative movement between a scanning device and a surface in close proximity to said scanning device ((display, Fig.1 (16) where as the is moved to a second part of the document, a second part is displayed based on the movement of the electronic scanner (12).

Accordingly, the prior art teaches all the claimed limitations with the exception of providing a detector to optically detect relative movement between said scanning device and surface.

However, Kinrot et al. teach a scanner for reading a document by movement of the scanner over the document comprising: an optical reading head which detects patterns on the surface of the document; and an optical detector which determines the motion of the scanner as it is translated across the surface of the document, wherein the optical detector utilizes the method of the invention to determine the translation (column 23, lines 49-58).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the optical detector as taught by Kinrot et al. in

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the handheld optical scanner disclosed by Bobry because this would be applicable to various methods of motion or velocity detection (column 6, lines 52 and 53).

Regarding claim 28, Kinrot et al. teach a device can be characterized as a `padless optical mouse` to provide orthogonal signals to move a cursor from position to position on a display screen in response to movement of the mouse over any sufficiently diffusely reflective surface (column 40, lines 47-52).

4. Claims 29, 31, 58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5595445 ("Bobry") in view of US Patent # 6,424,407 ("Kinrot et al.") and further in view of US Patent # 5,757,394 ("Anderson et al.").

Regarding claim 29, Bobry teaches the electronic scanning device (an electronic scanning apparatus (abstract)), where a second part of the image can be seen by using the rollers (20). The combination of Bobry and Kinrot fails to teach said image is scrolled in relation to said first part of said scanned version of said image.

However, Anderson et al. teach a scroll button 32 of Fig.2B which can scroll in relation to first part of the scanned image.

Thus, it would be obvious to a person of ordinary skill in the art at the time the invention was made to utilize scroll button 32 in the electronic scanner as taught by Anderson in the combination of Bobry and Kinrot because this would provide the electronic scanner with a feature of seeing another portion of the image using scrolling.

Regarding claim 31, Anderson et al. teach said second part of said scanned version of said image is displaced in two directions in relation to said first pad of said

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scanned version of said image (a scroll button 32 of Fig.2B which can scroll in two direction in relation to first part of the scanned image to display a second part.

Regarding claim 58, Bobry teaches the electronic scanning device (an electronic scanning apparatus (abstract)), where a second part of the image can be seen by using the rollers (20). The prior art teaches all the claimed limitation as recited in claim 29 with the exception of providing said image is scrolled in relation to said first part of said scanned version of said image.

However, Anderson et al. teach a scroll button 32 of Fig.2B which can scroll in relation to first part of the scanned image.

Thus, it would be obvious to a person of ordinary skill in the art at the time the invention was made to utilize scroll button 32 in the electronic scanner as taught by Anderson in the combination of Bobry and Kinrot because this would provide the electronic scanner with a feature of seeing another portion of the image using scrolling.

Regarding claim 60, Anderson et al. teach said second part of said scanned version of said image is displaced in two directions in relation to said first pad of said scanned version of said image (a scroll button 32 of Fig.2B which can scroll in two direction in relation to first part of the scanned image to display a second part.

5. Claims 30 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5595445 ("Bobry") in view US Patent # 6,424,407 ("Kinrot et al.") and further in view of US Patent # 6,301,020 ("Dow et al.").

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Regarding claim 30, Bobry teaches the electronic scanning device (an electronic scanning apparatus (abstract)), wherein a second part of the image can be seen by using the rollers (20). The combination of Bobry and Kinrot fails to teach said image is panned in relation to said first part of said scanned version of said image.

However, Dow et al. teach navigation buttons 46 and 48 are used for panning when in zoom mode (column 7, lines 41 and 42).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize buttons 46 and 48 as taught by Dow et al. in the combination of Bobry and Kinrot because this would provide a more flexible and user friendly procedure for correctly operate an appliance.

Regarding claim 59, Bobry teaches the electronic scanning device (an electronic scanning apparatus (abstract)), wherein a second part of the image can be seen by using the rollers (20). The prior art teaches all the claimed limitation as recited in claim 30 with the exception of providing said image is panned in relation to said first part of said scanned version of said image.

However, Dow et al. teach navigation buttons 46 and 48 are used for panning when in zoom mode (column 7, lines 41 and 42).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize buttons 46 and 48 as taught by Dow et al. in the combination of Bobry and Kinrot because this would provide a more flexible and user friendly procedure for correctly operate an appliance.

Allowable Subject Matter

6. Claims 61-69 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: the claimed invention is directed to an electronic scanning device.

Independent claim 61 identifies a uniquely distinct feature "a navigation sensor located on a second side of said electronic device, said second side being opposite said first side, wherein said navigation sensor detect movement of a part of a user relative to said navigation sensor located in close proximity to said navigation sensor, and wherein an image displayed on said display altered in response to said movement of said part of said user relative to said navigation device".

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



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Date 7/25/2006



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600